

(1)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF
NEW YORK,

INDEX NO#

DURVEN DAWES s/c

Plaintiff, Complaint

Jury Demand

AGAINST

THE City OF NEW YORK

P.O. JAMES ROMANO

UC UNDERCOVER #

POLICE OFFICER, Shield 279,

AND POLICE OFFICERS "JOHN

AND JANE DOES, (WHOSE

NAMES AND SHIELDS

ARE UNKNOWN),

DEFENDANTS
16CV1303

RECEIVED
SONY PRO SE OFFICE
2016 FEB 17 PM 3:45
S.D. OF N.Y.

Plaintiff Complaining of the Defendants
of the City of New York,

P.O. JAMES ROMANO Shield no# 1748

UNDERCOVER POLICE OFFICER, Shield #279,

POLICE OFFICERS "JOHN AND JANE DOES",

UPON INFORMATION AND BELIEF ALLEGES

AS FOLLOWS:

(1)

INTRODUCTION,

THIS IS AN ACTION AT LAW TO REDRESS
THE DEPRIVATION UNDER COLOR OF
STATE, ORDINANCE, REGULATION, CUSTOM,
OR USAGE OF RIGHTS, PRIVILEGES,
AND IMMUNITIES SECURED TO THE →

Plaintiff by the fourth, fifth and
fourteenth Amendments to the
Constitution of the United States,
AND By ~~FIVE~~ 42 U.S.C. 1983 AND
1985

2

THE PLAINTIFF SEEKS MONETARY DAMAGES
FOR: THE FALSE ARREST, WRONGFUL
ARREST, FALSE IMPRISONMENT,
ASSAULT, BEATEN, AND THE REFUSAL
OF THE ARRESTING POLICE OFFICERS
TO SEEK EMERGENCY MEDICAL
TREATMENT DUE TO THE ASSAULT, AND
ASTHMA, DETENTION, AND MALICIOUS
PROSECUTION OF PLAINTIFF DUREN DAVIS
AND FOR THE USE OF EXCESSIVE AND
UNNECESSARY FORCE AGAINST PLAINTIFF,
AND FOR SUBJECTING PLAINTIFF TO MALICIOUS
ABUSE OF CRIMINAL PROCESS, AND
OTHERWISE, FOR THE VIOLATION OF THE
PLAINTIFF'S FEDERALLY GUARANTEED
CONSTITUTIONAL AND CIVIL RIGHTS,
THE PLAINTIFF SEEKS WHATEVER OTHER
RELIEF IS APPROPRIATE AND NECESSARY
IN ORDER TO SERVE THE INTEREST OF
JUSTICE AND ASSURE THAT HIS REMEDY
IS FULL AND COMPLETE.

3

JURISDICTION.

THE JURISDICTION OF THIS COURT IS INVOKED PURSUANT TO AND UNDER 28 U.S.C. SECTIONS 1331 AND 1343(3) AND (4) IN CONJUNCTION WITH THE CIVIL RIGHTS ACT OF 1871, 42 U.S.C. SECTION 1983, AND UNDER THE FOURTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION.

(4)

JURISDICTION IS ALSO INVOKED PURSUANT TO AND UNDER 28 U.S.C. SECTION 1367 ENTITLED SUPPLEMENTAL PENDENT PARTY JURISDICTION.

(5)

PLAINTIFF REQUEST THAT THE COURT INVOKE PENDENT JURISDICTION OVER ANY AND ALL CLAIMS ARISING UNDER THE LAWS AND CONSTITUTION OF THE STATE OF NEW YORK,

6 THE STATE LAW CLAIMS HAVE A COMMON NUCLEUS OF OPERATIVE FACTS WITH THE FEDERALLY BASED CLAIMS AND THEY ARISE OUT OF THE SAME TRANSACTION(S) AND OCCURRENCE(S) GIVING RISE TO THE PLAINTIFF'S FEDERALLY BASED CLAIMS AND CAUSE OF ACTION.

4

7

Plaintiff, Also invokes the Jurisdiction of this Court in Conjunction with ~~THE~~ Declaratory Judgment Act, 28 U.S.C. Section 2201, ET SEQ.

THIS BEING AN ACTION in which Plaintiff, while seeking monetary Damages, Also seeks Declaratory AND Injunctive Relief in such is deemed NECESSARY AND DESIRABLE AND IN THE INTEREST OF JUSTICE IN ORDER to provide Plaintiff with Full AND Complete Remedy For the Violation of his Rights

8

PARTIES

Plaintiff A Black male, is a Resident of the city of New York, County AND State of New York
Plaintiff RESIDES AT 72 BARUCH DRIVE, Apartment 1B, New York, New York 10007

9

THE city of New York is a municipal Entity existing UNDER the Laws AND Constitution of the STATE of New York AND WAS the Employer of the Defendant police officers through >

15

its police Department - the city of New York police Department, and the Actions of the police officers complained of herein were done as part of the custom, practice, usage, Regulation: And, or Direction of the city of New York

10

At All Times herein, individual Defendants PO James Romano Shield # 1748. Under cover police officer Shield # 279, P.O. TYRONE DUX TAC # Reg # 881773 JOHN DOES, AND JANE DOES WERE EMPLOYED AS POLICE OFFICERS OF THE CITY OF NEW YORK, STATE OF NEW YORK AND WERE ACTING UNDER THE COLOR OF THEIR OFFICIAL CAPACITY AND THEIR ACTS WERE PERFORMED UNDER COLOR OF THE STATUTES AND ORDINANCES OF THE CITY OF NEW YORK, AND THE STATE OF NEW YORK. Defendants police officers WERE THE SERVANTS, AGENTS, AND EMPLOYEES OF THEIR CO-DEFENDANT, THE CITY OF NEW YORK. NOTWITHSTANDING THE WRONGFUL AND ILLEGAL NATURE OF THEIR ACTS AND CONDUCT AS HEREAFTER DESCRIBED, ~~THEY~~ WERE TAKEN AND DURING THE COURSE OF THEIR DUTIES AND FUNCTIONS AS NEW YORK CITY POLICE OFFICERS AND INCIDENTAL

6

to the otherwise lawful performance of the same.

11 Plaintiff has duly complied with all conditions precedent to filing of this Action, within ninety days after each claim alleged in this complaint arose, a written notice of claim sworn to by Plaintiff, and was served upon the Defendant City of New York by delivery of the notice in duplicate to the person designated by law, hearing was requested on Plaintiff's notice of claim. At least thirty days have elapsed since the service of the various notice of claim, and adjustment or payment of the claims has been neglected or refused.

12 On or about June 22/2014 about 4:30 pm in the County and State of New York Defendant Undercover Detectives, police officers, U.C. Undercover police officer Shield No. 279 intentionally target Plaintiff for their Buy and Bust operation. Plaintiff Duvern Dawes is going about his personal business for his

8

When a white female and male stop plaintiff asking to buy drugs,

plaintiff told them he don't have drug and don't know what they talking about.

I was drag about five male search and throw inside a VAN PARK on South

MacDugal Street, where

I WAS ASSAULTED, then drive around for houses,

After I was taken to a police station house where

here after thrown into a cell after strip search, where

police officers looking for drugs and weapons

inside his anus and that was standard proceeding,

Neither drugs nor weapon were recovered from the strip search.

Before thrown inside a cell

Defendants took plaintiff's ASOMA pump and ASOMA medication. AS A RESULT

plaintiff had difficulty breathing while confined in the cell.

Plaintiff continued to ask for medical attention

9
When ignored for hours.
By DEFENDANT police,
TAKEN to the Hospital.
At no time I consent to strip
SEARCH, AND NO DRUGS WERE
RECOVERED from the UNLAWFUL,
UNLAWFUL AND HUMILIATING
SEARCH.

PLAINTIFF TAKEN to CENTRAL
BOOKING WHERE I WAS
RELEASED ON my OWN.
THE CRIMINAL CHARGES
DROP MONTHS LATER BY
motion of DISTRICT ATTORNEY'S
OFFICE AND CRIMINAL
COURT Judge.

I DECLARE UNDER PENALTY OF
PERJURY THAT THE foregoing IS
TRUE AND CORRECT

Signed this 17/ DAY of
February 2016

72 Babel Up Drive
APARTMENT 1E
NEW YORK
NEW YORK 10002
347 593 4928

Plaintiff SEEKS ONE million
DOLLARS for PAIN AND
SUFFERING, EMOTIONAL
STRESS, EMOTIONAL DISTRESS,
MENTAL STRESS, AND THE
LOSS AND LOVING CARE
of my children, AND FOR
ASSAULT, STRIP SEARCH
HUMILIATING STRIP SEARCH.

I DECLARE UNDER PENALTY
of PERJURY that the
foregoing IS TRUE AND
CORRECT.

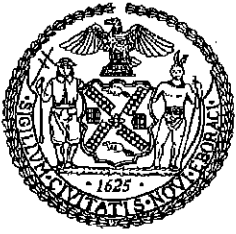
Feb 17/2016.

DURVEN DAWESIN

D Dawesin

72 BARUCH DRIVE
APARTMENT 1E
NEW YORK
NEW YORK 10002

Feb 17/2016.



THE CITY OF NEW YORK OFFICE OF THE COMPTROLLER
1 CENTRE STREET, NEW YORK, N.Y. 10007-2341

Scott M. Stringer
COMPTROLLER

Date: 01/13/2015

NOTICE OF 50-H HEARING

015 - 274

DURVEN DAWES
72 BARUCH DR APT 01E
NEW YORK, NY 10002

Re: Claimant Name : DURVEN DAWES
ClaimNumber: 2014PI012343

Dear Sir / Madam:

Please take notice that, pursuant to Section 50-h of the General Municipal Law(GML), claimant is mandated by law to appear at the following location, at the date and time specified below, to be orally examined under oath relative to the occurrence and extent of injuries for which the above claim is made:

Date of Hearing: 02/09/2015

Time of Hearing: 11:00 AM

Location of Hearing: KREZ & FLORES, LLP
225 BROADWAY SUITE #2800
NEW YORK, NY 10007
212 266 0400

The claimant should be accompanied by his or her attorney and all infant claimants must appear. Claimant is further mandated, pursuant to Section 93(d) of the New York City Charter and Section 50-h of the GML, to present him/herself for a physical examination at a date and location to be provided under separate cover.

You will be called by the law office above to confirm the date and time of the hearing. At that time you can request a language interpreter for your client, if necessary. **If an interpreter has been ordered and the claimant or counsel fails to appear for the hearing without giving 48 hours prior written notice, counsel will be charged for the cost of the interpreter.**

Claimant will be permitted only one adjournment without cause. Application for such adjournment should be made at least one week prior to the hearing date, in writing or by facsimile,

between 9am and 4pm, to the **Comptroller's Office, at the numbers indicated below**. Any additional adjournment must be requested, in writing or by facsimile, to the Comptroller's Office; it will be granted for good cause only and only if the hearing can be held prior to claimant's commencement of an action.

If a claimant fails to appear for a scheduled hearing, a default will be declared and claimant's failure to appear will be raised as an affirmative defense in any lawsuit filed.

You are requested to bring to the hearing copies of all documents relevant to this claim, including, but not limited to

- (1) Photographs of accident scene;
- (2) a prior written notice map;
- (3) copies of all medical and hospital records;
- (4) authorizations for the Comptroller's Office to obtain medical records;
- (5) authorizations for the Comptroller's Office to obtain employment records, loss of income documentation, and school records;
- (6) police reports.

Pursuant to State and Federal law, the Comptroller's Office is authorized to obtain, through its attorneys taking hearings, social security numbers for tax reporting purposes, and for the collection of liens held by the City and State.

Please be advised that nothing contained herein shall be construed as extending the statute of limitations beyond the statutory time.

Sincerely,

Marilyn Bodner, Esq.
Director, Contract Services
Bureau of Law and Adjustment
(212) 669-2729
Fax (212) 669-8811

DATE PRINTED: 1/6/2016 12:19:21 PM
NEW YORK STATE
BENEFIT
IDENTIFICATION CARD

ID NUMBER XS47076K CARD NUMBER 600486 8927 3470 762 48

DOB 01/02/1956

LAST NAME DAWES

FIRST NAME / M.I. DURVEN

D. Dawes



600486
ACCESS NUMBER 8927 3470 762 SEQ # 48

monthly cash benefit 143.20.

Food Stamp/94 =

CASE #